

### ***Remarks***

Claims 1-7 are pending in the application, with claims 1-3 being representative of the elected species and claims 4-15 being canceled.

Paragraph 19 of the specification has been amended to replace Greek symbols that were inadvertently replaced by squares by the Word Processing software when this divisional application was filed. Specifically, the diffraction intensity of a peak should have been " $2\theta$ " (i.e. "2 theta") and the  $\text{CuK}\square$  should have been  $\text{CuK}\alpha$ . Support for this amendment is found in the parent application, U.S. Application No. 10/067,839. Because benefit to the '839 application was claimed on the day the instant application was filed, the text of the '839 application is considered to be incorporated by reference into the instant application; accordingly, these amendments are not new matter.

Claim 1 has been amended without adding new matter. Support for the amendment is found, *inter alia*, at paragraph [0068] of the specification and in Figure 5.

### ***Miscellaneous***

In the Office Action Summary sheet, the Examiner lists claims 1-3 as pending. No status is given for claims 4-7. Applicant believes that claims 4-7 should have been listed as pending but withdrawn. The species elected by Applicant is represented in

claims 1-3. However, claims 4-7 had not yet been cancelled. Applicant has canceled claims 4-7 herein.

***The Title of the Invention***

At office action paragraph 2, the Examiner objects to the title of the invention stating that the title is not descriptive.

Applicant has amended the title to be that suggested by the Examiner. Accordingly, it is believed that this objection may be withdrawn.

***The Rejection under 35 U.S.C. § 112, Second Paragraph***

At office action paragraphs 3-4, the Examiner rejects claims 1-3 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner states that in claim 1, the phrase "said diaphragm from which said first piezoelectric layer was removed" is confusing and misleading and that it implies that the diaphragm is removed completely. Applicant respectfully traverses this rejection. The quoted claim language indicates that part of the first piezoelectric layer was removed from above the diaphragm and does not suggest that the diaphragm was removed completely. However, in the interest of advancing prosecution Applicant has amended claim 1.

Applicant has amended that part of claim 1 to recite: "a step of forming a second piezoelectric layer constituting another part of the piezoelectric film on the remaining portion of said first piezoelectric layer that was left by said patterning and said


diaphragm exposed by said patterning." Applicant has deleted the text "from which said first piezoelectric layer was removed" from that part of the claim. Accordingly, it is believed that this rejection may be withdrawn.

### ***Conclusion***

Prompt and favorable consideration of this Amendment and Reply is respectfully requested. Applicant believes the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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